

Application Serial No. 10/583,496
Reply to office action of September 30, 2008

PATENT
Docket: CU-4886

REMARKS/ARGUMENTS

Reconsideration is respectfully requested.

Claims 1-22 are pending before this amendment. By the present amendment, claim 4 is canceled without prejudice; and claims 1 and 5-6 are amended. No new matter has been added.

At the outset, page 6, the first paragraph, page 9, the final paragraph, and page 10 the fourth paragraph of the specification have been amended, to correct an inadvertent error and to describe correctly the operation of the invention throughout the specification. That is, the specification previously indicated that when a component was destroyed an open circuit was created. However, this is clearly not in agreement with functionality of the present invention, and therefore the specification has been amended to include creating "a short circuit" instead of "an open circuit".

Further, several paragraphs on pages 2, 3, 6, 7, 9, and 14 have been amended to correct a minor clerical error by replacing the word "lighting" with "lightning".

No new matter has been added by the above amendments to the specification as they merely correct clear inadvertent errors.

In the office action (page 2), the examiner rejects claims 1-22 under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 4,513,176 (Fostveit) in view of U.S. Patent No. 4,875,868 (Cwirzen). The "et al." suffix is omitted in a reference name.

The applicants have amended the claims to overcome the examiner's rejections.

The applicants respectfully disagree with the examiner's assessment of Fostveit. Fostveit discloses a test apparatus, which includes a switch movable between three positions. In the first position the switch operates to connect the telephone company's wiring junction to the customer's phone wiring and the telephone instruments thereby to allow for standard operation of the telephone instruments. The second position is used to indicate whether or not there is telephone line continuity from the wiring junction back to the company's central office. The third position indicates whether or not the telephone company's bell ringing voltage is being received at the wiring junction. In both the second and third positions the customer's telephone is disconnected from the

Application Serial No. 10/583,496
Reply to office action of September 30, 2008

PATENT
Docket: CU-4886

wiring junction (Fosfeit col. 1, line 54 to col. 2, line 18).

In operation, if a light emitting diode (LED) does not emit light while the switch of Fosfeit's testing apparatus is in its second position, it indicates that it is the telephone company line that has a fault and probably not the customer's equipment (col. 3 lines 15-16). Similarly, if the light emitting diode does not emit light when the switch of the apparatus is in the third position it indicates that the telephone company's bell ringing voltage is not being received at the wiring junction and that the customer's equipment is probably working properly (col. 1, line 49 to col. 3, line 20).

From the above it is clear that Fosfeit's apparatus does not expressly disclose an equipment testing circuit for positively test whether the user's equipment is in working order. Rather, the apparatus only tests the customer's line and the telephone company's line and then draws an inference from the results of the two lines whether or not the customer's equipment may be faulty.

This is in contrast with the present invention where the user's equipment forms part of an equipment testing circuit to **positively** test whether the equipment is faulty or not. In this regard, claim 1 includes an integer defining that an indicator is provided that indicates whether the user's equipment is in working order when the switch is located in a second position. This feature is not disclosed by Fosfeit, because as described above, in Fosfeit the working of the customer's equipment is inferred, but is **not positively tested**.

Furthermore, although a surge protector is disclosed in Fosfeit, column 3, lines 31 to 34, this surge protector only forms part of the line testing circuit, i.e., when the switch is in its second position and the customer's equipment is not connected to the telephone company line. Accordingly, the surge protector mentioned in Fosfeit is used to protect the polarity guard in the line testing circuit and not the customer's equipment.

In contradistinction, the present invention includes surge protection in the equipment testing circuit specifically to protect the equipment of claim 4. Claim 1 has been amended to include the features of claim 4 as follows:

--A telecommunications system indicator and protector for indicating the working status of a telecommunications line and of equipment which can be connected to the telecommunications line, the telecommunications system indicator and protector including:

Application Serial No. 10/583,496
Reply to office action of September 30, 2008

PATENT
Docket: CU-4886

connecting means whereby the telecommunications system indicator and protector can be connected to the telecommunications line and the equipment respectively;

a line testing circuit;

an equipment testing circuit including a lightning protector for protecting the equipment against lightning surges;

a switch, the switch being movable between a first position wherein the telecommunications line is connected to the line testing circuit and a second position wherein the telecommunications line is connected to the equipment testing circuit; and

an indicator for indicating whether the telecommunications line is in working order when the switch is located in the first position, and whether the equipment is in working order when the switch is located in the second position.--

Support for the above amendment is found at least in claim 4 and the specification page 3, lines 19-20, thus no new matter has been added. Claim 4 has been canceled accordingly.

Cwirzen is silent as to --an equipment testing circuit including a lightning protector for protecting the equipment against lightning surges-- as claimed in claim 1 and described above.

As such, the applicants submit that Fosfet and Cwirzen, whether considered alone or in combination, fail to teach the specific line testing circuit and equipment testing circuits of the presently claimed invention of claim 1. Accordingly, the applicants respectfully request withdrawal of the aforementioned rejection of claim 1 and earnestly solicit an indication of allowable subject matter at least for the reasons above.

As to claim 15, neither Fosfet nor Cwirzen discloses a non-earthed equipment circuit including a lightning protector as well as an indicator to indicate whether or not the lightning protector is in working order. The non-earthed equipment circuit including the lightning protector as well as an indicator to indicate whether or not the lightning protector is in working order allows the telecommunication indicator and protector to indicate to a user when the equipment has taken a lightning hit. Again, this feature is neither taught nor even suggested by Fosfet or Cwirzen, whether considered alone or in combination.

Accordingly, the applicants respectfully request withdrawal of the aforementioned

Application Serial No. 10/583,496
Reply to office action of September 30, 2008

PATENT
Docket: CU-4886

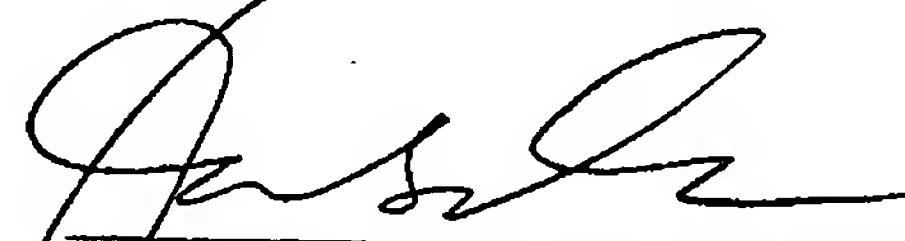
rejection of claim 15 and earnestly solicit an indication of allowable subject matter at least for the reasons above.

As to claims 2-3, 5-14, and 16-22, the applicants submit that these claims are allowable at least since they depend from one of claims 1 and 15, which are considered to be in condition for allowance for the reasons above.

For the reasons set forth above, the applicants respectfully submit that claims 1-3 and 5-22, now pending in this application, are in condition for allowance over the cited references. Accordingly, the applicants respectfully request reconsideration and withdrawal of the outstanding rejections and earnestly solicit an indication of allowable subject matter.

This amendment is considered to be responsive to all points raised in the office action. Should the examiner have any remaining questions or concerns, the examiner is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns.

Respectfully submitted,



W. William Park, Reg. No. 55,523
Ladas & Parry LLP
224 South Michigan Avenue
Chicago, Illinois 60604
(312) 427-1300

Dated: March 30, 2009